IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.6.2007

CORAM:

THE HONOURABLE MR.JUSTICE F.M.IBRAHIM KALIFULLA
AND
THE HONOURABLE MR.JUSTICE S.TAMILVANAN

W.P.No.18349 of 2001

V.Manigantan .. Petitioner

vs.

1. Union of India, rep. by its
Superintendent of Post Offices,
Salem/West Division,
Salem-636 005.

2. N.Ramesh

3. Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai-104. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the Central Administrative Tribunal, Madras Bench in O.A.No.143 of 2000, dated 18.12.2000 and the order passed by the first respondent in his proceedings No.B3/159, dated 17.12.1999 and quash the same and direct the first respondent to appoint the petitioner as Extra Departmental Branch Postmaster, Pagalpatti in regular time scale with all consequential benefits.

For petitioners : Mr.T.Sellapandian
For respondent-1: Mr.S.Udayakumar, ACGSC

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ORDER
(The Order of the Court was made by F.M.Ibrahim Kalifulla,J)

The petitioner is aggrieved by the order of the Tribunal, dismissing the petitioner's Original Application, wherein, challenge was made to the selection of the second respondent as Extra Departmental Branch Postmaster, Pagalpatti, by the order of the first respondent, dated 17.12.1999.

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2. According to the petitioner, he had scored higher marks in S.S.L.C., while the second respondent's marks were low and that the petitioner also satisfied the possession of immovable property, which is one other relevant qualification while aspiring for the post of EDBPM.

3. The Tribunal found that the second respondent satisfied all the qualifications, while the petitioner failed to satisfy the qualification relating to the possession of immovable property.

4. Learned counsel appearing for the petitioner in the course of his submissions, stated that if the records relating to the impugned selection is perused, the same would disclose the satisfaction of the possession of immovable property by the petitioner.

5. Learned Standing Counsel appearing for the first respondent placed before us the entire records relating to the impugned selection. The records were also shown to the learned counsel for the petitioner.

6. On a perusal of the records, we find that the petitioner has not satisfied the qualification of the possession of immovable property which has been prescribed as an essential qualification under the relevant Rules. In the Rules relating to Extra Departmental Agents, Section IV dealing with the method of recruitment, in paragraph 3, it is specifically prescribed that the person who takes over the agency (EDSPM/EDBPM) must be one who has an adequate means of livelihood. The expression "adequate means of livelihood" has been further elaborated in paragraph 6, wherein it is stated that in case one loses his main source of income, he should be adjudged as incurring a disqualification to continue as EDSPM/EDBPM. It is also stated therein that there must be absolute insistence on the adequate source of income of any Extra Departmental SPM/BPM and whatever allowances he derived from the said post, must be just supplementary to his income.

7. When such a relevant criteria prescribed for holding the post of EDBPM was not satisfied by the petitioner, while the second respondent satisfied all the qualifications, we hold that the Tribunal rightly rejected the petitioner's Original Application. We therefore do not find any scope to interfere with the same.

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8. The Writ Petition therefore fails and the same is dismissed. No costs.

cs

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Superintendent of Post Offices,
   Union of India, Salem/West Division,
   Salem-636 005.

2. The Registrar,
   Central Administrative Tribunal,
   Madras Bench, Chennai-104.

+ 1 cc to Mr. S. Mani, Advocate, SR No.35960

+ 1 cc to Mr. S. Udayakumar, Advocate, SR No.36002

BVR(CO)
SR/25.6.2007

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